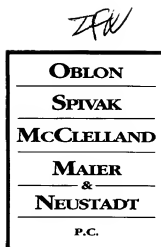




Docket No.: 250564US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/801,822

Applicants: Hiroyuki KIMBARA, et al.

Filing Date: March 17, 2004

For: INFORMATION PROCESSING APPARATUS  
STARTED FROM A PROGRAM RECORDED ON A  
RECORDING MEDIUM WITH WELL-MAINTAINED  
SECURITY, AND A RECORDING MEDIUM  
STORING SUCH A PROGRAM AND A  
PRODUCING METHOD OF SUCH A RECORDING  
MEDIUM

Group Art Unit: 2167

Examiner: Lewis, C.

SIR:

Attached hereto for filing are the following papers:

**REQUEST FOR WITHDRAWAL OF IMPROPER NOTIFICATION  
OF NON-RESPONSIVENESS**

Our check in the amount of \$- 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT/P.C.

  
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DOCKET NO: 250564US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
HIROYUKI KIMBARA, ET AL. : EXAMINER: LEWIS, C.R.  
SERIAL NO: 10/801,822 :  
FILED: MARCH 17, 2004 : GROUP ART UNIT: 2167  
FOR: INFORMATION PROCESSING :  
APPARATUS STARTED FROM A  
PROGRAM RECORDED ON A  
RECORDING MEDIUM WITH WELL-  
MAINTAINED SECURITY, AND A  
RECORDING MEDIUM STORING SUCH  
A PROGRAM AND A PRODUCING  
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MEDIUM

**REQUEST FOR WITHDRAWAL OF IMPROPER NOTIFICATION OF  
NON-RESPONSIVENESS**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the notification of non-responsiveness dated September 12, 2007, Applicants' representative telephoned Examiner Lewis on September 17, 2007, to question the grounds for holding the response filed June 11, 2007, to be non-responsive.

In this regard, applicant noted that the notice failed to set forth any reason for the assertion of non-responsiveness based upon the rule (37 CFR § 1.121) governing the manner of making amendments and that the indication that dependent Claims 13 and 14 had not been amended to recite a "computer software program" provides no basis under the rules to hold an amendment to be non-responsive.

The Examiner responded that the argument at the middle of page 2 of the Statement of the Substance of the Interview filed June 19, 2007, was interpreted to mean that all mention of “authentication check” or “authentication process” in any claim was amended to include “computer software program.”

It was pointed out that Claims 13 and 14 are not included in the list of claims so amended that bridges pages 1 and 2 of this paper and that is set forth at the top of page 24 of the actual amendment as to “Claims 1-3, 6-8, 10-12, 15-17, 19-21, 24-26, 28-31, 34-36, 38-40, 42-51, 54-57, 60-74, 76, and 77” that were specifically noted to “have been amended to emphasize that the “program” subject matter of the claims is that of computer software programs, not that of entertainment programs.”

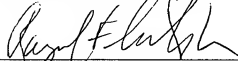
Moreover, as Claim 13 depends from Claim 12 and Claim 14 depends from Claim 13. Thus, Claims 13 and 14 include the parent Claim 12 recital that “said computer software program starting means performs the authentication check on both a setting file recorded on said recording medium and on the computer software program to be read” (emphasis added). This Claim 12 recital clearly indicates the “setting file” is different from the “computer software program to be read,” and this means that the Claim 13 and 14 discussion of authenticating this “setting file” is different from authenticating the “computer software program to be read.”

Application No. 10/801,822  
Reply to Notice mailed 09/12/07

Accordingly, the Examiner requested that this request for withdrawal be filed to point out the reasons why the notice was improper and should be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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